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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,892	09/19/2003	Mark Davis	1070P3822	6988
53483	7590	06/13/2008	EXAMINER	
KACVINSKY LLC C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			TRAN, TUYETLENT	
			ART UNIT	PAPER NUMBER
			2179	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,892

Applicant(s)

DAVIS ET AL.

Examiner

TUYETLIEN T. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 02/28/08. **This action is made final.**
2. Claims 1-48 are pending in the case. Claims 1, 14, 24 and 36 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-8, 14-20, 24-31, 33-35 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (Pub No US 2004/0155909 A1; hereinafter Wagner) in view of Cronin et al (Pub. No. US 2004/0061706 A1; hereinafter Cronin).**

As to claim 1, Wagner teaches:

A method for displaying information in a handheld device (e.g., a context-based display on a mobile device, see [0046]), comprising:

displaying information in a plurality of dynamically sizable active cells in a display screen of said handheld device (e.g., see Fig. 8A-8G and [0089]; note the items displayed in cells are either selectable by a user or updated live, see [0047] and [0059]); and

dynamically and automatically sizing cells of said plurality of active cells in response to the amount of said information to be displayed in said cells (e.g., see Fig. 8A-8G and [0089]; note as the user selects the tertiary tab 308, the amount of information to be displayed changed and the sizes of the cells are changed to fully displayed the changed information, see [0089]).

Wagner does not expressly teach dynamically and automatically sizing cells in response to changes in the amount of the information to be displayed in the active cells. However, dynamically and automatically sizing cells in response to changes in the amount of information to be displayed in the active cells is taught in Cronin (e.g., [0018]-[0025]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cells interface display in Wagner to include the feature of dynamically and automatically sizing cells in response to changes in the amount of the information to be displayed in the active cells taught in Cronin to achieve the claimed invention. The motivation to make the combination is to better utilize the available space having relatively small display screen.

As to claim 14, claim 14 reflects the system-comprising memory coupled to a bus; a processor coupled to said bus; and a display screen coupled to said bus (e.g., see Fig. 7B and [0110]), wherein said memory comprises instructions for implementing a method as claimed in claim 1, and is rejected along the same rationale.

As to claim 24, claim 24 is rejected along the same rationale as claim 1 including the following:
Wagner teaches:

A computer user interface (e.g., see [0046] and Fig. 5F) comprising:

A display to present a plurality of dynamically sizable active on-screen displayable cells for presenting categories of daily information therein (e.g., see Fig. 3 and Fig. 4; note the items displayed in cells are either selectable by a user or updated live, see [0047] and [0059]), wherein said plurality of active cells comprise a first cell (e.g., a tertiary tray 400 as shown in Fig. 4) and a second cell (e.g., main portion, see Fig. 3 and [0019]) and wherein said first cell is automatically dynamically sized based on its

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content and also based on content of said second cell (e.g., see Fig. 3-4 and [0089]; note as the user selects the tertiary tab 308, the amount of information to be displayed changed and the sizes of the cells are changed to fully displayed the changed information, see [0089]).

As to claim 36, claim 36 reflects the article-comprising a storage medium containing instructions that if executed enable a system to implemented a method as claimed in claim 1, and is rejected along the same rationale.

As to claims 2, 15 and 37, Wagner further teaches wherein said dynamically and automatically sizing is performed also in response to the number of active cells of said plurality of cells (e.g., see Fig. 5A-C).

As to claims 3, 16, and 38, Wagner further teaches wherein said sizing comprises adjusting a size of a first cell in response to an amount of information displayed in a second cell (e.g., see Fig. 8A-8G and [0089]).

As to claims 4, 17 and 39, Wagner further teaches each of said cells of said plurality of cells comprises a different category of daily information (e.g., ticker tape display 402 can present weather report and stock quotes while main portion can display event information such as 'home game', '10 am Johnson', see Fig. 3, 8G and [0059]).

As to claims 5, 18, and 40, Wagner further teaches wherein one category is daily event information (e.g., 'home game', '10 am Johnson', see Fig. 8G).

As to claims 6, 19 and 41, Wagner further teaches wherein one category is daily to-do information (e.g., 'movie invite', '10 am Johnson', see Fig. 8G and [0077]).

As to claims 7, 20 and 42, Wagner further teaches wherein one category is daily message information (e.g., item 804 in Fig. 8B).

As to claims 8 and 43, Wagner teaches display screen is a touch-screen display (e.g., an interactive mobile device display 800, see Fig. 8A and [0102]).

As to claim 25, Wagner further teaches wherein said second cell is automatically dynamically sized based on its content and also based on content of said first cell (e.g., see Fig. 8A-8G and [0089]). Cronin also teaches the same concept (e.g., see [0023]-[0025]). Thus, combining Wagner and Cronin would meet the claimed limitations for the same reasons set forth in claim 1 above.

As to claim 26, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4).

As to claim 27, Wagner further teaches wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3).

As to claim 28, Wagner further teaches comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

As to claim 29, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

As to claim 30, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said second cell is enlarged in response to said third cell (as mentioned above, this limitation is interpreted as said first cell) being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

As to claim 31, Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

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As to claim 33, Wagner further teaches wherein said first cell comprises a minimum size definition and wherein further said first cell is decreased in size if its content requires less size than its minimum size definition (e.g., see Fig. 8A-D).

As to claim 34, Wagner further teaches wherein said first cell is increased in size provided its content requires more size than its minimum size definition and provided further that said second cell is decreased in size below its minimum size definition (e.g., see 8H).

As to claim 35, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4), wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3) and further comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

5. Claims 9-13, 21-23, 32 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Cronin further in view of Kato et al. (Patent No US 6297795 B1, hereinafter Kato).

As to claims 9, 21 and 44, Wagner and Cronin teach the limitations of claims 1, 14 and 36 for the same reasons as discussed with respect to claims 1, 14 and 36 above. Wagner and Cronin do not expressly teach that the display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.

In the same field of endeavor of displaying information in a portable device (e.g., see Kato col. 12 lines 8-24), Kato, though, teaches display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape (e.g., display device is switchable between wide space and narrow space and between portrait and landscape mode, see Fig. 12-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used display mode switching function as taught by Kato to the display of the portable

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device used to display information as taught by Wagner because Wagner's teaching can be applied to any type of mobile device such as PDA (e.g., see Wagner [0052]). The motivation for the combination is to enhance the user experience with the small display device because the user may find a portrait or landscape display more pleasant depending on the document content.

As to claims 10, 22 and 45, Kato further teaches substantially rectangular display screen is oriented in a portrait mode (e.g., display device is switchable between portrait and landscape mode, see Fig. 12-14). Thus, combining Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9, 21 and 44 above.

As to claims 11, 23 and 46, Kato further teaches substantially rectangular display screen is oriented in a landscape mode (e.g., display device is switchable between portrait and landscape mode, see Fig. 12-14). Thus, combining Wagner and Kato would meet the claimed limitations for the same reasons as discussed with respect to claims 9, 21 and 44 above.

As to claims 12 and 47, Wagner further teaches suppressing display of a first cell (e.g., tertiary tray in Fig. 3) of said plurality of cells (e.g., note tertiary tray is suppressed, see Fig. 3 and Fig. 4).

As to claims 13 and 48, Wagner further teaches enlarging the area of a second cell in response to said first cell being suppressed (e.g., note the size of the main portion is enlarged when a tertiary tray is suppressed, see Fig. 3 and Fig. 4).

As to claim 32, Wagner and Kato teach the limitations of claim 23 for the same reasons as discussed with respect to claim 23 above. Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4).

Response to Arguments

6. **Applicant's arguments filed 02/28/08 have been fully considered but they are moot in new ground(s) of rejection.**

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/

Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179